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Dated: 7-27-05

Signature:


(Rhea Amid)

Patent

Docket No. 514572000700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Xin XIE et al.

Serial No.: 10/538,443

Filing Date (Int'l): December 31, 2002

For: MAGNETISM BASED NUCLEIC ACID
AMPLIFICATION

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

The document numbers 18-21 listed on the attached Form PTO/SB/08a/b were cited in an International Search Report mailed on April 10, 2003, directed to a counterpart international or foreign application and have not been previously cited.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 514572000700.

Dated: July 26, 2005

Respectfully submitted,

By 

Peng Chen

Registration No.: 43,543
MORRISON & FOERSTER LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
(858) 720-5117

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/538,443
				Filing Date	(Int'l) December 31, 2002
				First Named Inventor	Xin XIE
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	514572000700

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-4,336,173	06-22-1982	Ugelstad et al.	
	2.	US-4,421,660	12-20-1983	Solc nee Hajna	
	3.	US-4,490,436	12-25-1984	Kawakami et al.	
	4.	US-4,554,088	11-19-1985	Whitehead et al.	
	5.	US-4,654,267	03-31-1987	Ugelstad et al.	
	6.	US-4,683,195	07-28-1987	Mullis et al.	
	7.	US-4,683,202	07-28-1987	Mullis	
	8.	US-4,774,265	09-27-1988	Ugelstad et al.	
	9.	US-4,965,007	10-23-1990	Yudelson	
	10.	US-5,091,206	02-25-1992	Wang et al.	
	11.	US-5,232,789	08-03-1993	Platz et al.	
	12.	US-5,283,079	02-01-1994	Wang et al.	
	13.	US-5,318,797	06-07-1994	Matijevic et al.	
	14.	US-5,395,688	03-07-1995	Wang et al.	
	15.	US-5,409,818	04-25-1995	Davey et al.	
	16.	US-5,554,517	09-10-1996	Davey et al.	
	17.	US-5,834,121	11-10-1998	Sucholeiki et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	18.	CN-1175282	03-04-1998	Game		
	19.	WO-98/04745	02-05-1998	Zhang et al.		
	20.	WO-00/61803	10-19-2000	Radtkey et al.		
	21.	WO-01/55438	08-02-2001	Bobst et al.		
	22.	WO-02/075309	09-26-2002	Aviva Biosciences		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	23.	International Search Report for PCT/CN02/00940, mailed on April 10, 2003, 2 pages	
	24.	MATIJEVIC, Acc. Chem. Res. (1981) 14:22-29	
	25.	VANDENBERGE et al., J. of Magnetism and Magnetic Materials (1980) 15-18:1117-1118	

Examiner Signature	Date Considered
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				First Named Inventor	Xin XIE
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Sheet	2	of	2	Attorney Docket Number	514572000700

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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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